

United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BIBEKANAND SATPATHY, dba
AMADORE ENTERTAINMENT,

Plaintiff,

v.

CATHAY PACIFIC AIRWAYS, LTD.;
COVENANT AVIATION SECURITY, LLC;
TRANSPORTATION SECURITY
ADMINISTRATION; CITY AND COUNTY OF
SAN FRANCISCO; THAI AIRWAYS
INTERNATIONAL, LTD. and DOES 1 to 50,

Defendant.

No. C 04-5334 CW

ORDER TO SHOW
CAUSE WHY CASE
SHOULD NOT BE
REMANDED

Defendant Thai International Airways, LTD. removed this case to federal court on December 16, 2004, based on Defendant's status as a "foreign state" within the meaning of 28 U.S.C. § 1603 and the court's original jurisdiction under 28 U.S.C. §§ 1330 and 1441(d). On February 10, 2005, Plaintiff voluntarily dismissed his claims

1 against Defendant Transportation Security Administration and on
2 March 25, 2005, Plaintiff voluntarily dismissed his claims against
3 Defendant City and County of San Francisco.

4 On September 9, 2005, the Court granted a motion for summary
5 judgment submitted by Defendants Cathay Pacific Airways, LTD. and
6 Thai International Airways finding the rights and liabilities of
7 the parties are governed exclusively by the Warsaw Convention, 49
8 U.S.C. § 40104 and Plaintiff's claims were barred for failure to
9 give timely notice. Defendant Covenant Aviation Security, LLC did
10 not join the motion.

11 All federal claims now having been resolved, the Court orders
12 the remaining parties to show cause why the Court should not
13 exercise its discretion to remand to State court. Any party
14 opposing remand shall file its opposition by September 23, 2005.
15 If opposition is filed, any party favoring remand shall file a
16 reply by September 30, 2005. The matter will be decided on the
17 papers.

18
19 IT IS SO ORDERED.

20
21 Dated: 9/13/05



22
23 CLAUDIA WILKEN
United States District Judge